

AF 12/24

FEE TRANSMITTAL FOR FY 2005

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) 500.00**Complete if Known:**

Application No. 09/779,046
Filing Date 2/7/01
First Named Inventor Dong
Examiner Name Ke, P.
Art Unit 2174
Attorney Docket No. 80398.P388

 Applicant claims small entity status. See 37 CFR 1.27.**METHOD OF PAYMENT** (check all that apply)☒ X Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) Deposit AccountDeposit Account Number : 02-2666Deposit Account Name: ☒ X The Director is Authorized to do the following with respect to the above-identified Deposit Account:☐ Charge fee(s) indicated below.☒ X Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ X Credit any overpayments.☒ X Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

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Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee	1,000/500	_____
1111	500	2111	250	Utility search fee		_____
1311	200	2311	100	Utility examination fee		_____
1012	200	2012	100	Design application filing fee	430/215	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	200	2013	100	Plant filing fee	660/330	_____
1113	300	2113	150	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	300	2004	150	Reissue filing fee	1,400/700	_____
1114	500	2114	250	Reissue search fee		_____
1314	600	2314	300	Reissue examination fee		_____
1005	200	2005	100	Provisional application filing fee		_____
SUBTOTAL (1) \$						<u>0</u>

2. EXCESS CLAIM FEES

		<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims	_____ - 20 or HP = _____		X _____	= _____
HP = highest number of total claims paid for, if greater than 20				
Independent Claims	_____ - 3 or HP = _____		X _____	= _____
HP = highest number of independent claims paid for, if greater than 3				
Multiple Dependent Claims			_____	= _____

<u>Large Entity</u>		<u>Small Entity</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

SUBTOTAL (2) \$ _____ 0 _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	- 100 = _____	/ 50 = _____ (round up to whole number)	X _____	_____

<u>Large Entity</u>		<u>Small Entity</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets</u> (count spec & drawings except sequences & program listings):
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

SUBTOTAL (3) \$ _____ 0 _____

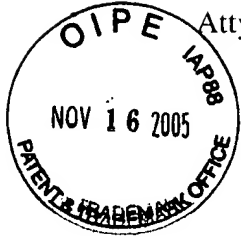
FEE CALCULATION (continued)**4. OTHER FEE(S)**

				Fees Paid (\$)	
Non-English Specification, \$130 fee (no small entity discount)					
<u>Large Entity</u>		<u>Small Entity</u>			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	130	2814	65	Statutory Disclaimer	
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	
Other fee (specify) _____					
Other fee (specify) _____					
				SUBTOTAL (4)	\$ 500.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Eric S. ReplogleSignature: Date: Nov. 14, 2005Reg. Number: 52,161Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Atty Docket No. 80398.P388

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	Examiner:	Ke, P.
)		
Dong, et al.)	Art Unit:	2174
)		
Application No. 09/779,046)	Confirm. No:	4431
)		
Filed: February 7, 2001)		
)		
For: USER INTERFACE)		
MANAGEMENT FOR)		
CONTROLLED DEVICES)		
)		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2174, mailed June 13, 2005, which finally rejected claims 1-38 in the above-identified application. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

I. REAL PARTY IN INTEREST

The real parties in interest are the assignees of the full interest in the invention: Sony Electronics, Inc., Park Ridge, New Jersey, and Sony Corporation, Tokyo, Japan.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF THE CLAIMS

Claims 1-38 are pending in the application and are the subject of this appeal. A copy of Claims 1-38 as they stand on appeal are set forth in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made after receipt of the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention as claimed in claims 1-38 is directed to determining an identification corresponding to a device coupled to a home network. [Specification: Page 7, Lines 15-27] A user interface corresponding to the identification is loaded from a remote source. The remote source is coupled to a remote network and provides the user interface to a plurality of different home networks, including the home network to which the device is coupled. [Specification: Figure 2, Page 9, Lines 12-20] If the user interface is not found at the remote source, a basic operative user interface is loaded on the device. [Specification: Page 11, Lines 18-25] The basic operative user interface is a generic user interface for devices of the same type. For example, for video cassette type devices, the basic operative user interface can include generic "play", "stop", "rewind", "fast forward", and "record" controls. [Specification: Page 11, Lines 18-27]

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I. Claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,603,488 to Humpelman et al. ("Humpelman").

II. Claims 7, 8, 11, 13-25, 27, 28, 35, and 36 stand rejected under 35 U.S.C. § 103(a) over Humpelman in view of U.S. Patent No. 6,300,947 to Kanevsky et al. ("Kanevsky").

III. Claims 2 and 30 stand rejected under 35 U.S.C. § 103(a) over Humpelman in view of U.S. Patent No. 6,631,351 to Ramachandran et al. ("Ramachandran").

IV. Claims 12 and 26 stand rejected under 35 U.S.C. § 103(a) over Humpelman in view of Kanevsky and Ramachandran.

VII. ARGUMENTS

I. Claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38 are Patentable under 35 U.S.C. § 102(e) because Humpelman.

Claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38 stand or fall together. Claim 1 is the representative claim.

Humpleman discloses a system for controlling a set of audio-visual devices connected to a home network through a single controller, such as a TV. The controller loads device user interfaces (UIs) from each connected device and presents the UIs on the controller's display. The controller and devices are connected on the same home network. In addition, a user can remotely control an audio-visual device through the Internet via an Internet proxy connected to the home network.

Appellant respectfully submits that Humpelman does not teach or suggest each and every element of independent claim 1. In particular, claim 1 recites loading a device user interface from a remote source. The remote source is coupled to a remote network so as to provide the device user interface to a number of different home networks. In contrast to Appellant's claimed loading *from a remote source*, Humpelman discloses only (i) loading a device user interface from a home network device (i.e., the audio-visual device) or (ii) remotely controlling the home network device through the Internet. Humpelman's home network device that is connected to the home network and that provides the user interface is not equivalent to Appellant's claimed remote source that is connected to a remote network and that provides the user interface.

In addition, Humpelman does not teach or suggest a remote source providing the device user interface to a number of different home networks, as claimed.

Furthermore, the Examiner asserts that Humpelman discloses loading a user interface from a non-home network source because the user can remotely control the home network device from the Internet through an Internet proxy attached to the home

network. However, the Internet proxy is part of the home network and is not a remote network source, as claimed.

Therefore, Humpelman does not anticipate Appellant's claim 1, 3-6, 9, 10, 29, 31-34, 37, and 38 under 35 U.S.C. § 102(e).

II. Claims 7, 8, 11, 13-25, 27, 28, 35, and 36 are Patentable under 35 U.S.C. § 103(a) over Humpelman in view of Kanevsky because the combination of these two references does not teach or suggest all elements in the claims.

Claims 7, 8, 11, 13-25, 27, 28, 35, and 36 stand or fall together. Independent claim 11 is the representative claim.

Kanevsky discloses providing a web page to various display sizes (e.g., personal digital assistant display, laptop display, etc.). A web page adaptor module determines if the requested web page can be adequately viewed based on the size of the end-user's display. If not, the web page adaptor module searches for a replacement web page suitable for the end-user's display size.

Appellant respectfully submits that the combination of Humpelman and Kanevsky does not teach or suggest each and every element of claim 11. In particular, claim 11 recites loading a basic operative user interface for the device if a particular user interface is not found. The Examiner acknowledges that Humpelman does not teach or suggest this claim element and relies on Kanevsky as disclosing the claim limitation. However, Kanevsky discloses only using a suitable reformatted replacement web page that can be adequately viewed on a user's display. Thus, the combination of Humpelman and Kanevsky would replace the original specific device user interface with another specific user interface reformatted to fit the user's display. However, the replacement user interface is not equivalent to Appellant's basic operative user interface. The replacement device user interface is still specific to a particular device, whereas the basic operative user interface is a generic user interface intended for devices of the same type.

Therefore, the combination of Humpelman and Kanevsky cannot render obvious Appellant's claims 7, 8, 11, 13-25, 27, 28, 35, and 36 under 35 U.S.C. § 103(a).

III. Claims 2 and 30 are Patentable under 35 U.S.C. § 103(a) over Humpelman in view of Ramachandran because the combination of these references does not teach or suggest all elements in the claims, and because there is no motivation to combine these two references.

Claims 2 and 30 stand or fall together. Claim 2 is the representative claim. Claim 2 depends on claim 1 and further defines the device identification as being selected from the group consisting of global unique identification and unit information.

Ramachandran discloses toys that interact so as to appear that the toys are conversing. The toys send and receive messages to and from other compatible toys through wireless communication. Based on the messages received, a toy generates speech to simulate the toy speaking to other compatible toys.

Appellant respectfully submits that the combination of Humpelman and Ramachandran does not teach or suggest each and every element of claim 2. As discussed above, Humpelman does not teach or suggest loading a user interface from a remote source as recited in independent claim 1. Ramachandran does not teach or suggest this claim element since it contains no section teaching or suggesting loading a user interface. And, Ramachandran does not teach or suggest the alternatives of loading either a user interface that corresponds to an identification of a device or loading a basic operative interface.

In addition, Appellant argues that no explicit or implicit motivation exists to combine Humpelman and Ramachandran because a person of ordinary skill in the art would not be motivated to combine Humpelman's home network technology and Ramachandran's toy technology.

Therefore, the combination of Humpelman and Ramachandran does not render obvious Appellant's dependent claims 2 and 30 under 35 U.S.C. § 103(a).

IV. Claims 12 and 26 are Patentable under 35 U.S.C. § 103(a) over Humpelman in view of Kanevsky and Ramachandran because the combination of these references does not teach or suggest all elements in these claims, and because no motivation exists to combine these references.

Claims 12 and 26 stand or fall together. Claim 12 is the representative claim. Claim 12 depends from independent claim 11 and further defines the device identification as being selected from the group consisting of global unique identification and unit information.

Appellant respectfully submits that the combination of Humpelman, Kanevsky, and Ramachandran does not teach or suggest each and every element of claim 12. As discussed above, neither Humpelman (as the examiner admits) nor Kanevsky teach or suggest a basic operative user interface as recited in independent claim 11. Neither does Ramachandran. Furthermore, because Ramachandran does not disclose a user interface, or the alternatives of loading a user interface that corresponds to a device identification or loading a basic operative interface, Ramachandran does not teach or suggest loading a basic operative user interface, as claimed.

Appellant further argues that no motivation exists to combine these three references because a person of ordinary skill in the art would not be motivated to combine Humpelman's home network technology, Kanevsky's web page sizing technology, and Ramachandran's toy technology.

Therefore, the combination of Humpelman, Kanevsky, and Ramachandran does not render obvious Appellant's claims 12 and 26 under 35 U.S.C. § 103(a).

VIII. CONCLUSION

Appellant's claims 1, 3-6, 9, 10, 29, 31-34, 37, and 38 are patentable because Humpelman does not teach or suggest all limitations in these claims. Appellant's claims 7, 8, 11, 13-25, 27, 28, 35, and 36 are patentable because the combination of Humpelman and Kanevsky does not teach or suggest all limitations in these claims. Appellant's claims 2 and 30 are patentable because the combination of Humpelman and Ramachandran does not teach or suggest all limitations of these claims, and because there is no motivation to combine these two references. And, Appellant's claims 12 and 26 are patentable because the combination of Humpelman, Kanevsky, and Ramachandran does not teach or suggest all limitations of these claims, and because there is no motivation to combine these three references.

Therefore, Appellant respectfully requests the Board reverse all claim rejections and direct the Examiner to enter a Notice of Allowance for Claims 1-38.

Fee for Filing a Brief in Support of Appeal

Enclosed is a check in the amount of \$500.00 to cover the fee for filing a brief in support of an appeal, as required under 37 C.F.R. §§ 1.17(c) and 41.37(a).


Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

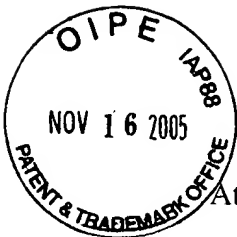
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: Nov. 14, 2005


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Registration No. 52,161

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Atty Docket No. 080398.P388

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:) Examiner: Ke, P.
)
Dong, et al.) Art Unit: 2174
)
Application No. 09/779,046) Confirm. No: 4431
)
Filed: June 5, 2001)
)
For: USER INTERFACE)
MANAGEMENT FOR)
CONTROLLED DEVICES)
_____)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPENDIX A FOR
APPELLANT'S BRIEF UNDER 37 C.F.R. 41.37(a)**

1. (Previously Presented) A method comprising:
determining an identification corresponding to a device, wherein the device is coupled to a home network; and
loading a user interface found at a remote source, wherein the user interface corresponds to the identification of the device and the remote source is coupled to a remote network to provide the user interface to a plurality of different home networks.
2. (Original) The method of claim 1, wherein the identification is selected from the group consisting of global unique identification (GUID) and unit information (UINFO).
3. (Previously Presented) The method of claim 1, further comprising:
remotely searching for the user interface corresponding to the identification.

4. (Original) The method of claim 1, wherein the remote source includes the World Wide Web.

5. (Currently Amended) The method of claim 1, wherein the loading is performed if the user interface corresponding to the identification is not found by searching the home network.

6. (Currently Amended) The method of claim 5, wherein searching the home network includes searching the storage medium of a controller.

7. (Previously Presented) The method of claim 1, further comprising:
loading a basic operative user interface if the user interface corresponding to the identification is not found at the remote source.

8. (Previously Presented) The method of claim 7, wherein the basic operative user interface is modifiable through a user input.

9. (Original) The method of claim 1, wherein the user interface is loaded on a controller.

10. (Original) The method of claim 1, wherein the user interface controls the device operation.

11. (Previously Presented) A method comprising:
determining an identification corresponding to a device;
loading a particular user interface, wherein the particular user interface corresponds to the identification of the device; and
loading a basic operative user interface if the particular user interface is not found.

12. (Original) The method of claim 11, wherein the identification is selected from the group consisting of global unique identification (GUID) and unit information (UINFO).

13. (Currently Amended) The method of claim 11, further comprising:

searching a home network for the particular user interface; and

searching a network, remote from the home network, for the particular user interface if the particular user interface is not found by searching the home network.

14. (Currently Amended) The method of claim 13, wherein searching the home network includes searching a storage medium of a controller.

15. (Currently Amended) The method of claim 13, wherein searching a remote network includes searching the World Wide Web.

16. (Previously Presented) The method of claim 11, wherein the basic operative user interface is modifiable through user input.

17. (Original) The method of claim 11, wherein the user interface is loaded on a controller.

18. (Original) The method of claim 11, wherein the user interface controls the device operation.

19. (Previously Presented) A device controller comprising:

a processor; and

the device controller configured to detect the coupling of a device to a first communication medium, to load on the device controller a user interface that corresponds to an identification received from the device, and to load on the device controller a basic operative user interface if the user interface that corresponds to the identification is not found.

20. (Previously Presented) The device controller of claim 19, wherein the device controller is further configured to search for the user interface corresponding to the identification on at least one of a storage medium coupled to the processor and a remote network.

21. (Previously Presented) The device controller of claim 19, wherein the device controller is further configured to search a remote network if the user interface corresponding to the identification is not found by searching a storage medium coupled to the processor.

22. (Original) The device controller of claim 19, wherein the first communication medium is an IEEE 1394 protocol compliant.

23. (Original) The device controller of claim 20, wherein searching the remote network includes searching across the first communication medium.

24. (Previously Presented) The device controller of claim 19, wherein the first communication medium is the World Wide Web.

25. (Original) The device controller of claim 20, wherein the storage medium is selected from the group consisting of memory and storage devices.

26. (Original) The device controller of claim 19, wherein the identification is selected from the group consisting of global unique identification (GUID) and unit information (UINFO).

27. (Original) The device controller of claim 19, further comprising a library of customizing tools for a user to modify the basic user interface prior to the loading on the device controller.

28. (Previously Presented) The device controller of claim 19, wherein the device controller is further configured to control the device operation through loaded the user interface.

29. (Currently Amended) A computer-readable medium having stored thereon a set of instructions, which when executed by a processor, cause the processor to perform a method comprising:

determining an identification corresponding to a device, wherein the device is coupled to a home network; and

loading a user interface found at a remote source, wherein the user interface corresponds to the identification of device and the remote source is coupled to a remote network to provide the user interface to a plurality of different home networks.

30. (Original) The computer-readable medium of claim 29, wherein the identification is selected from the group consisting of global unique identification (GUID) or unit information (UINFO).

31. (Previously Presented) The computer-readable medium of claim 29, wherein the method further comprises:
remotely searching for the user interface corresponding to the identification.

32. (Original) The computer-readable medium of claim 29, wherein the remote source includes the World Wide Web.

33. (Currently Amended) The computer-readable medium of claim 29, wherein the loading is performed if the user interface corresponding to the identification is not found by searching the home network.

34. (Original) The computer-readable medium of claim 33, wherein searching the home network includes searching the storage medium of a controller.

35. (Previously Presented) The computer-readable medium of claim 29, wherein the method further comprises:

loading a basic operative user interface if the user interface corresponding to the identification is not found at the remote source.

36. (Previously Presented) The computer-readable medium of claim 35, wherein the basic operative user interface is modifiable through a user input.

37. (Original) The computer readable medium of claim 29, wherein the user interface is loaded on a controller.

38. (Original) The computer readable medium of claim 29, wherein the user interface controls the device operation.